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January 22, 2024

VIA ECF

Honorable Arun Subramanian
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 15A
New York, New York 10007

Re: Equinox F&B, Inc. v. Roots Pressed Juices LLC
Case No. 22-cv-00681 (AS)

Dear Judge Subramanian:

We represent plaintiff Equinox F&B, Inc. (“Equinox F&B”) in the above-captioned action and are writing, in accordance with paragraph 3.E of Your Honor’s Individual Practices, to respectfully request that the parties’ pretrial submissions deadline be extended from January 29, 2024 to February 19, 2024.

Further to Equinox F&B’s January 16, 2024 letter, we further clarify that Ms. Somers—who is a key trial witness—is currently on short-term disability leave in connection with the recent birth of her child through February 13, 2024 (i.e., not just maternity leave). As a result, Ms. Somers has been—and remains—unavailable to review, modify, and sign her trial declaration by the current pretrial deadline of January 29, 2024. Because Ms. Somers is a key material witness, this further affects Equinox F&B’s ability to finalize the joint pretrial order and proposed findings of fact and conclusions of law, both of which require Ms. Somers’ finalized trial declaration.¹

Defendant Roots Pressed Juices LLC consents to this request. This request will not affect the parties’ final pretrial conference which is scheduled for March 18, 2024 or the bench trial which is scheduled to begin on April 1, 2024.² This is Equinox F&B’s second request to adjourn

¹To the extent the Court is not inclined to extend all deadlines, it is respectfully requested that the deadline to submit Ms. Somers’ trial declaration alone be extended from January 29, 2024 to February 19, 2024.

²Pursuant to Section 10.A of Your Honor’s rules, the default time for parties to submit their initial pretrial submissions is 14 days before the final pretrial conference.

the pretrial submissions deadline. Equinox F&B's first request—which did not reference Ms. Somers' current disability leave—was denied on January 18, 2024.

Respectfully submitted,

/s/ *John L. Garcia*

John L. Garcia (JG-1020)
Patrick McPartland (PM-4225)

cc: All counsel of record (*via ECF*)

Plaintiff's request is GRANTED. The pretrial material originally due January 29, 2024 is now due February 19, 2024 at 5PM. In addition, any oppositions to any motions *in limine* and any opposition to any legal argument in a pretrial memorandum is now due March 4, 2024 at 5PM.

Further, on or before February 19, 2024, lead trial counsel for the parties must discuss, either in person or on video, whether this case can be settled. This case has been pending for over two years, and the parties have not discussed settlement since 2022. The Court notes that this is a relatively straightforward contract dispute and that there is sophisticated counsel and parties on both sides. Confirmation that this discussion occurred, including the date, duration, medium, and participants, should be included in the parties' joint pre-trial submission.

The Clerk of Court is directed to terminate the motion at ECF No. 66.

SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: January 23, 2024